

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish existing outbuilding and erect dwelling with associated landscaping and parking (revised scheme).

LOCATION: Wyland, Les Rouvets Road, Vale.

APPLICANT: Mr & Mrs Tanguy

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 02/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: MT-21-1027-01C.

Application Ref: FULL/2022/1844

Property Ref: C02039A000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect

unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.The development hereby permitted shall be constructed in accordance with the details shown on the application drawings and there shall be no occupation of the dwelling until the solar panels and electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

5.Prior to the commencement of any work in connection therewith details of the cycle store shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed detail and the cycle store shall be constructed prior to the first occupation of the dwellinghouse hereby approved.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the building does not have any adverse impact on the character of the area and offer occupiers of the dwelling with the opportunity to travel by alternative modes of transport.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the permission, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

7. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 01/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1844
Property Ref: C02039A000
Valid date: 08/09/2022
Location: Wyland Les Rouvets Road Vale Guernsey GY6 8NH
Proposal: Demolish existing outbuilding and erect dwelling with associated landscaping and parking (revised scheme).

Applicant: Mr & Mrs Tanguy

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The development hereby permitted shall be constructed in accordance with the details shown on the application drawings and there shall be no occupation of the

dwelling until the solar panels and electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

5. Prior to the commencement of any work in connection therewith details of the cycle store shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed detail and the cycle store shall be constructed prior to the first occupation of the dwellinghouse hereby approved.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the building does not have any adverse impact on the character of the area and offer occupiers of the dwelling with the opportunity to travel by alternative modes of transport.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the permission, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

OFFICER'S REPORT

Site Description:

Wyland (formerly Martina Lodge) is a detached pitched roof dwelling situated to the rear of frontage residential development in Les Rouvets Road. Land to the north and east of the dwelling falls within the same ownership as Martina Lodge and is currently open and undeveloped land.

The site is located Outside of the Centres as designed in the Island Development Plan. An Area of Biodiversity Importance is situated to the east of the site and a number of Protected Buildings are situated to the northwest and southwest of the site. Part of the entrance driveway to the site falls within a Conservation Area. Two outbuildings exist on the site, adjacent to the east site boundary. One to the southwest and the other to the northwest of the dwelling.

Relevant History:

FULL/2019/1988 - Conversion of outbuilding to create a dwelling – Granted 26/11/2020.

FULL/2022/0784 - Demolish existing outbuilding and erect dwelling with associated landscaping and parking – refused

1. Not of broadly the same floorspace as the approved conversion scheme
2. The scheme did not demonstrate that the new building would be constructed so as to significantly enhance sustainable design
3. Biodiversity proposals did not demonstrate meaningful environmental benefits

Existing Use(s):

Residential Dwelling (Use Class 1)
Agricultural (Use Class 28)

Brief Description of Development:

This application proposes to demolish the existing outbuilding at the site (that has permission to be converted into a dwelling) and to construct a new two bedroom (three including study) single storey dwelling comprises a part flat and part pitched roof design, with a vaulted ceiling in the pitched roof element of the building. The new dwelling will be clad in timber effect composite cladding with a natural slate roof and white or grey PVCu windows.

Parking is proposed to be created in the area immediately to the south of the dwelling, surfaced with a tegular brick paving SUD system and landscaping is proposed along the eastern boundary (tree and hedge planting) to separate the site from the remaining land situated in this direction and with further landscaping

within the proposed garden area, with existing trees retained and further tree planting to the northern end of the site.

A Site Waste Management Plan has been provided along with a statement to address the reason for refusal relating to landscaping. This notes that full details are now on the proposed plans including a mixture of native trees, fruit trees, existing trees, short and medium grasses, native hedging and various wildlife boxes/habitats having regard to the 2020 Strategy for Nature.

The submission sets out that the floorspace would increase from 72.84 sqm to 76.14 sqm and the volume from 234.32m cubic to 234.36m cubic. The existing volume outlined varies from the earlier refused submission, in which it was stated to be 265.8m cubic whilst the floor area of the existing is unchanged.

The scheme also seeks to address the sustainable design of the development by reducing hardstanding, incorporating SUDs and an electric charging point, four solar panels/photovoltaics and water butts/tanks to collect water. Attention is drawn through the submission to the benefits of the pitched roof for future conversion, use of/scope for further solar panels and opportunities for insulation along with the design benefits of such a roof. The submission indicates that the orientation has been considered and to rotate the building would reduce the benefits of solar panels due to the heavy western boundary landscaping and that the garden is northeast facing which gains a lot of natural light in the later hours. Windows have however, been introduced to the southwest and northeast side elevations although limited to manage the potential for overlooking and loss of privacy.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan Policies:

OC1	Housing Outside of the Centres
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
GP15	Creation and Extension of Curtilage
GP16(A)	Conversion of Redundant Buildings
GP16(B)	Conversion of Redundant Building: Demolition and Redevelopment
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Parking Standards and Traffic Impact Assessment SPG

Representations:

One letter of representation has been submitted setting out that Craetagus Laevigata and Sea Buckthorn are not native species. In relation to planting of short, medium and taller grassland, as the site is adjacent to La Garenne, one of the few

places it grows on Guernsey, that thought be given to the planting of Purple More Grass *Molinia Caerulia*. It is also a very good food plant for many species of lepidoptera.

Consultations:

States Archaeologist

Commented on the previous application:

By letter dated 6th June 2022 stated the following:

"I would be grateful if you could place an informative notice on this application to the effect that the developers are encouraged to contact the States' Archaeologist, should anything of archaeological interest be uncovered during the works. The site is near the medieval rabbit warren at La Garenne and Les Annevilles Manor, and thus there is some possibility of medieval remains in this area."

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, its design, appearance and potential impact on the character and appearance of the locality and on the amenities of surrounding residential neighbours.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Planning permission has previously been granted for the conversion of a redundant building on the site at Wyland. Policies OC1, OC5(B) and GP16(A) have thus been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan.

Policy GP16(B) sets out that the demolition and redevelopment of a building that accords with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development. There are specific criteria that must be addressed:

a) *the conversion scheme has first been granted planning permission*

Planning permission was granted for the conversion of the existing single-storey packing shed under planning reference FULL/2019/1988.

b) the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded

The 2019 planning application related to the formation of a single unit of residential accommodation (one bedroom, bathroom, open plan living, kitchen, dining area and a storage cupboard) and the current scheme also proposes a single dwelling (two bedrooms and a study).

As outlined above, the agent states that the floor area would increase by 4.5% and the volume would not increase. The Planning Service has calculated an increase in floor area of 3.24% and the volume change being negligible (from 234.32 cubic metres to 234.36 cubic metres). The plan shows an area given over to cycle storage however does not show this to be covered and secure. Even if the area were enclosed however, this would not represent a significant increase in the volume of the development and overall the scheme (with or without cycle store) complies with the requirements of criterion b) of Policy GP16(B) of the Plan.

c) where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area

The existing building is not highly visible from outside the site and does not make a particular positive contribution to the character of the area.

d) it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design

As detailed above, the application has been supported by information relating to sustainable development and in relation to Policy GP9, setting out that the proposed materials are recyclable should the building ever be demolished, the insulation, light, ventilation, glazing, drainage and access will meet/exceed the Building (Guernsey) Regulations, 2012. The scheme satisfactorily demonstrates significant enhancements to sustainable design in accordance with criteria d. and Policy GP9. This is a matter that can be managed by condition.

The scheme also incorporates a cycle storage area to enable people to travel by alternative modes of transport (IP6). Although this is not shown to offer covered/secure storage this is a matter that could be controlled by condition.

Consideration to the impact of the development on the character or openness of the area is assessed below in relation to criterion e).

- e) *it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area*

The conversion scheme considered under Policy GP16(A) included the same extent of curtilage as is now proposed. There is no change as part of this redevelopment scheme. The impact of the development on the landscape character is assessed elsewhere in this report and is therefore also satisfied in relation to Policy GP15. Policy GP1 is also relevant in relation to the impact on open and undeveloped land.

Whilst there is open land surrounding the site, the building itself would be located adjacent to the west site boundary, well related to the established dwellings fronting Rouvets Road. Furthermore, the site is well screened in public views and the proposal would not impact on openness in those views. The proposed hedging along the north boundary of the curtilage would effectively delineate the extent of domestic garden, preventing further encroachment into the open land and providing landscape enhancement.

The Island Development Plan sets out that a development should have “no increased impact” on the character or openness of an area. The siting of the replacement dwelling, adjacent to the west boundary but largely screened from public view will maintain the openness of the area. The location of the dwelling also ensures that the dwelling does not appear entirely isolated from existing built development in the vicinity.

The proposed development would not have an unacceptable adverse impact on the openness of the area and complies with Policy GP16(B) criterion e).

A landscaping condition to address site boundaries may also address matters relating to biodiversity because, although the site is not situated in an Area of Biodiversity Importance (GP15 criterion b.) in line with the States’ Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, an application involving the change of use of agricultural land to domestic garden must demonstrate environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The level of information is considered satisfactory to address the Strategy for Nature and can be controlled by planning condition.

- f) *it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area*

This matter is considered in more detail below with regard to Policy GP8 of the Island Development Plan.

As outlined above, the siting of the building will not result in harm to the openness and character of the area. The proposed dwelling does represent a good standard of

architectural design that respects the local built environment as set out in more detail above. The scheme accords with Policy GP8 criteria a) and c) of the Island Development Plan.

The erection of a single-storey dwelling on the site does not represent multi-storey development that represents the most efficient and effective use of land however, the existing building is single-storey and the submitted scheme does, in all other respects, meet the aims of Policy GP8. Furthermore, creating a multi-storey building in this case could have a negative impact on the design of the development (in order to meet the floorspace and volume requirements of Policy GP16(B)) and could have a greater impact on the landscape character.

The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling and therefore satisfactorily considers the health and well-being of neighbours of the development.

The external space provided to serve the dwelling would be generous and offer an attractive outlook from the dwelling. Overall, the proposed dwelling would provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities having regard to the health and well-being of occupiers of the development with regard to sunlight/daylight and amenity space.

The single-storey nature of the development is such that the accommodation is on a single level without stepped access and has open plan living and accessible bedrooms and bathrooms and an accessible parking area. The accommodation could be used in a different way to that shown on the application drawings and the property could also be extended (including into the roof as indicated in the submission). Overall, the scheme therefore demonstrates accessibility to and within the building for people of all ages and abilities, offering flexible and adaptable accommodation that can respond to people's needs over time.

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. The scheme proposes adequate off-road parking to serve the development along with on-site turning to enable vehicles to turn and exit the site in a forward gear. The proposed dwelling, having regard to the conversion scheme, will not result in an intensification in the use of the access nor an unacceptable increase in traffic on the local roads. The access onto the local road network is satisfactory with regard to road safety and the scheme therefore accords with the requirements of Policies IP7 and IP9 of the Island Development Plan.

The application has been accompanied by a Waste Management Plan setting out information relating to the recycling and disposal of waste arising from demolition on the site. It is concluded that further information in connection with a Site Waste Management Plan can be controlled by planning condition and therefore Policy GP9 has been satisfied in this respect.

Turning to the change of use of agricultural land to domestic garden, the area of land proposed for garden has not altered from the approved conversion scheme and was considered to meet the aims of Policy GP15. There has been no change in the submission nor the policies against which the proposal must be considered and therefore the conclusion regarding the use of land remains unchanged.

In view of the above it is recommended planning permission is granted for the proposed development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 27 October 2022

